

APPEAL NO. 032278
FILED OCTOBER 16, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on August 5, 2003. The hearing officer determined that the appellant's (claimant) _____, compensable low back injury does not extend to or include an injury to the low back after July 1, 2002. The claimant appeals this determination. The respondent (carrier) urges affirmance of the hearing officer's decision.

DECISION

Affirmed as reformed.

The claimant correctly points out on appeal that her fourth surgery occurred on January 4, 2001, not January 4, 2000, as reflected in Finding of Fact No. 4. For this reason, Finding of Fact No. 4 is hereby reformed to reflect the correct date.

Extent of injury is a factual question for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and resolves the conflicts and inconsistencies in the evidence including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). Nothing in our review of the record reveals that the hearing officer's decision is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986). Although the claimant asserts on appeal that there are medical records from Dr. S dated March 1999, documenting symptoms that would support the claimant's position, no such records are contained in the evidence.

It should be noted that although the hearing officer determined that the claimant's compensable low back injury effectively resolved, he does not have the authority to terminate the claimant's lifetime medical benefits for her compensable injury. Whether the claimant requires surgery or treatment related to the compensable injury is a matter for medical review and this decision does not resolve that issue or preclude the claimant from obtaining treatment that is deemed appropriate by medical review.

The hearing officer's decision and order are affirmed as reformed.

The true corporate name of the insurance carrier is **THE TRAVELERS INDEMNITY COMPANY OF CONNECTICUT** and the name and address of its registered agent for service of process is

**CT CORPORATION
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Chris Cowan
Appeals Judge

CONCUR:

Judy L. S. Barnes
Appeals Judge

Margaret L. Turner
Appeals Judge